**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**
**&**
**THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

**TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929**

**LA.App..No. 660 of 2001(D)**
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**LAR.439/1997 of PRINCIPAL SUB COURT,PARAVUR**
**.....**

**APPELLANT:CLAIMANT:-**
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**KALADHARAN PILLAI, S/O.GOVINDA PILLAI,**
**KOODAPPILLY VEETTIL, KIZHAKKEPRAM.**

**BY ADV. SRI.K.P.DANDAPANI (SR.)**

**RESPONDENT:-**
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**STATE OF KERALA, REPRESENTED BY**
**THE SPECIAL TAHSILDAR,**
**LAND ACQUISITION, NORTH PARAVUR.**

**BY SRI.V.K.BEERAN, ADDL.ADVOCATE GENERAL**
**GOVERNMENT PLEADERSHRI.K.V.MANOJKUMAR.**

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**KURIAN JOSEPH,**

**&**

**T.R.RAMACHANDRAN NAIR, JJ.**

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**LAA.No. 660 of 2001-D.**

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**Dated this the 5th day of June, 2007.**

**J U D G M E N T**

**Kurian Joseph, J.**

**This appeal is filed against the judgment and decree in LAR.No.439 of 1997 on the file of the Prl. Sub Court, North Paravur. The acquisition is for the purpose of NH 47 North Paravur - Cheriappilly reach block No.VII. The land acquisition officer awarded Rs.28,582/- per Are. The reference court enhanced the compensation by 10% and fixed Rs.31,440/- per Are. The extent involved is 4.52 Ares of garden land. The value noted on the basis of the documents is Rs.38,109/- per Are. The learned Government Pleader submits that the said property is situated in North Paravur Municipality and it has access to the northern side of Paravur - Vypeen road. It was in that circumstance only 25% was reduced and the land acquisition officer fixed the value at Rs.28,582/-. The learned Government Pleader further submits that the property covered by the acquisition is in panchayat area and hence the**

**fixation given by the reference court is just and proper.**

**2. The learned counsel for the appellant, however, points out that though the property is situated in the municipal area, one boundary of the property is abutting the municipal area. Be that as it may, it is seen that in LAA.No.220/2001 we have sustained land value at Rs.39,680/- per Are and that is the value fixed in LAR.No.253/1997 on the file of the Sub Court, North Paravur. It is to be noted that the value at the rate of Rs.39,680/- per Are is in respect of a notification dated 22-12-1992 whereas the acquisition in the instant case is as per the notification in the year 1993. It is also to be noted that in LAA.No.220/2001 the land acquisition officer had awarded Rs.21,369/- per Are and there also the enhancement made by the reference court was 10% as was done in the instant case. It was in such circumstances, taking note of the award in LAR.No.253/1997, this Court fixed the land value at Rs.39,680/- per Are. In the instant case, the land acquisition officer himself has fixed the land value at Rs.28,582/- per Are and the reference court fixed the value at 10% above and fixed the value at Rs.31,440/- per Are. Therefore, taking note of the approach made by this Court in respect of the property acquired in LAA.220/2001, the property acquired for the very same purpose where this Court fixed at Rs.39,680/- per Are, we are of the view that it will be just, proper and reasonable to fix the same rate for the property covered**

**by this appeal also. Therefore, we partly allow the appeal and hold that the claimant will be entitled to land value under the rate of Rs.39,680/- per Are with all statutory benefits including interest on solatium.**

**KURIAN JOSEPH, JUDGE.**

**T.R.RAMACHANDRAN NAIR, JUDGE.**

***Kvs/-***